

REMARKS

Claims 1-44 are pending in the instant application. Claims 1-44 have been rejected. Claims 1-2, 4, 6, 8-11, 21-22, 28, 33-34 and 40 have been amended. The Applicants submit that claims 1-44 are in condition for allowance and request reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

Specification Rejections

The specification has been rejected by the Office Action as allegedly containing terms that have not been defined by the Applicants. The Office Action indicates that per the MPEP, section 608.01(1) the claim(s) is/are treated on its merits and a requirement made to amend the drawings and description to show the subject matter. In particular, the Office Action states that claims 4, 6, 8, 9-11, 22, and 23 recite these alleged objectionable terms. The Applicants have amended claims 4, 6, 8, 9-11, 22, and 23 to either remove these terms, or provide additional clarification. Accordingly, the Applicants respectfully submit that no amendments to the specification and/or drawings are necessary at this time in light of the aforementioned claim amendments.

Claim Rejections Under 35 USC § 101

The Office Action rejected Claims 1-14 under 35 U.S.C. 101 as allegedly containing non-statutory subject matter. The Office Action states that the invention is ineligible because it has not been limited to a substantial practical application to produce a real world result pursuant to the requirements set forth in 35 U.S.C. 101. The Office Action alleges that providing 'management services' is not a clearly defined purpose for functionality or a practical application in the real world environment and that the term 'knowledge management' is not an accepted term in the art and the claims illustrate no real world purpose.

Since the term "knowledge management" is also used in independent Claims 21 and 33, it appears that the Office Action intended to reject all Claims 1-44 as opposed to just Claims 1-14. As

such, in order to progress prosecution in a timely manner, Applicants have addressed all Claims 1-44.

Applicants respectfully traverse the rejection. Applicants respectfully point out that Knowledge Management is a term that has been used in several industries since at least 1998 when the term was introduced at the 1998 March Internet World in Los Angeles. Applicants respectfully point out that when the term “Knowledge Management” is entered into the Google search engine, endless links to knowledge management websites are returned. For example, www.kmworld.com is a conference website on knowledge management. Applicants have included an introduction of knowledge management in its background. However, in order to progress prosecution, Applicants have amended independent Claims 1, 21 and 33, which Applicants respectfully believe overcomes the 35 U.S.C. 101 rejection.

Claim Rejections Under - 35 USC § 102

The Office Action rejected Claims 1-3, 5, 7-11, 13-44 under 35 U.S.C. 102(e) (hereinafter referred to as Bowman) being allegedly anticipated by Bowman-Amuah, U.S. 6339832. Applicants respectfully traverse the rejection. To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). As is further appreciated below, Bowman not only fails to contain all of the elements of the claim, but also fails to disclose all of the elements as arranged in the Claim, as alleged in the Office Action.

First, Applicants respectfully point out that the Office Action has already taken the position that “providing knowledge management” is not a clearly defined purpose for functionality or a practical application in the real world environment. Therefore, it would appear, following the same line of logic that a knowledge management-enabling tool also serves no real world practical purpose, because “[t]he term ‘knowledge management’ is not an accepted term in the art and the claims

illustrate no real world purpose.” In contrast, in the cited section of the patent (col. 1, lines 47-56, Bowman discloses a “Web browser called ‘Mosaic’ that implemented a graphical user interface...” and further “allows a user to retrieve documents from the World-Wide-Web...”, which appears to be a practical purpose. Therefore, according to the Office Action, Applicants’ knowledge management enabling tool is either a useful and practical real world tool, in which case the 35 U.S.C. 101 rejection is improper, or Applicants’ knowledge management enabling tool is not practical and the 35 U.S.C. 102 rejection is improper. However, Applicants respectfully submit that Claim 1 as amended is clearly distinguishable over Bowman because Applicants’ tool for retaining, analyzing, managing, maintaining and retrieving information is clearly different from a web browser that merely retrieves a document from the World-Wide-Web as disclosed in the Background of Bowman.

Furthermore, with respect to Claims 1 and 9, Applicants respectfully submit that Bowman does not include a solution environment. Bowman’s cited interactive content, is by way of example in Bowman, a feature of the Java programming language in which simple animations, page adornments, basic games, etc. can be added to Web documents. In contrast, Applicants’ claimed invention includes the solution environment, having a role manager and a context manager as clearly defined in Applicants’ amended Claim 1.

With respect to Claims 2-3, 5, 7-11 and 13-20, Applicants respectfully submit that Claims 1 and 2 provide features that are clearly distinguishable over Bowman. For at least these reasons, the Applicants submit that independent Claim 1 is deemed allowable. Claims 2-20 depend therefrom and, for at least this reason, are also deemed allowable, for which action is respectfully requested.

Applicants finally point out that the Office action has extracted elements from Bowman from various unrelated portions of the specification that includes 307 columns. In particular, the Office Action has extracted the web browser from column 1, lines 47-56 of Bowman, which is the *background* of Bowman and not even part of the Bowman invention. Therefore, the elements as cited from Bowman are clearly not arranged the same as Applicants’ claimed invention.

With respect to Claims 21 and 33, Applicants refer specifically to Applicants’ arguments and

amendments above, with emphasis on how Applicants' enabling environment and solution environment clearly differ from Bowman. Claims 21 and 33 have been similarly amended and Applicants respectfully submit that they clearly distinguish from Bowman. In addition, Applicants point out that the elements cited from Bowman, in addition to be distinguishable from Applicants' claimed invention, are clearly not arranged the same as Applicants' claimed invention. For example, the Office Action has cited Bowman's input data from column 36. This input data is for presentation purposes on the human-computer interface. The Office action then cites column 110 for Bowman's information format and outputting a report, for purposes of generating *an error report*, which is the entire purpose of Bowman. In contrast, Applicants' claimed invention is for receiving knowledge management data for establishing a context for a particular project of interest. Applicants respectfully submit that Claims 21 and 33 are clearly distinguishable over Bowman and allowance is respectfully requested. Claims 22- 32 depend from Claim 21 and Claims 34-44 depend from Claim 33. For at least these reasons, the Applicants submit that claims 22-32 and 34-44 are in condition for allowance and respectfully request reconsideration and withdrawal of the outstanding rejections.

Claim Rejections Under - 35 USC § 103

The Office Action has rejected Claim 4 under 35 U.S.C. 103(a) as being allegedly unpatentable over Bowman as set forth above in view of Oku (U. S. Patent 6098047 referred to as Qku). Applicants submit that the rejection is now moot because Applicants have deleted the claim element "models of pharmaceuticals" from Claim 4.

The Office Action further rejected Claim 6 under 35 U.S.C. 103(a) as being unpatentable over Bowman, as set forth above, and further in view of Link, (U. S. Patent Publication 20010034028, referred to as Link). Applicants submit that the rejection is now moot because Applicants have deleted the claim element "hard-coded rules" from Claim 6.

The Office Action further rejected Claim 12 under 35 U.S.C. 103(a) as being allegedly unpatentable over Bowman, as set forth above, and further in view of Hutsch. (U. S. Patent Publication 20010034771, referred to as Hutsch). Applicants respectfully traverse the rejection. For

an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Claim 12 depends from what should be an allowable Claim 1. For at least this reason, the Applicants submit that claim 12 is also allowable.

Applicants respectfully submit that claims 4, 6, and 12 are patentable over the cited art references for at least the reasons presented above. Reconsideration and withdrawal of the outstanding rejections is respectfully requested.

CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the applicant deems to be the invention, it is respectfully requested that claims 1-44 be passed to issue.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 09-0458.

Respectfully submitted,
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